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REMARKS

Claims 1-55 were rejected under 35 USC § 102(b) as being clearly anticipated by Lamard et al., U.S. Patent No. 5,086,772. Applicant respectfully traverses this rejection.

The Examiner is citing a reference that employs an algorithm, arbitrarily selecting subsets of that algorithm and asserting that they teach the presently claimed elements.

Claim 1 includes "operating a processor in a normal processing mode" and "switching the operation of the processor from the normal processing mode to operating in a guarded processing mode in response to a non-benign heart rhythm".

The Examiner has repeatedly stated that "event/peak detection 103, interval and morphology calculations 104 provide means for switching from the normal processing mode to the guarded processing mode."

This line of reasoning is incorrect as the two "classifications" labeled by the Examiner are simply steps of one algorithm. Furthermore, steps 103 and 104 are used for algorithm classification step 105 (see Col. 6, lines 3-6).

Notably, the entire algorithm, including steps 103, 104, 105, and 106 are performed for every single heart beat, regardless of rhythm. See Col. 6, lines 28-34. Every beat, whether normal sinus, bradycardia, tachycardia, a benign rhythm or a non-benign rhythm is analyzed by the entire algorithm inclusive of steps 103, 104, 105 and 106. The *only* differential between steps 103/104 and steps 105/106 is one contrived by the Examiner. Again, the reference teaches an algorithm – that algorithm is performed for every single heart beat. The reference does not teach operating in a normal mode and switching to a guarded mode based upon a non-benign heart rhythm. Finally, though irrelevant in view of the above, the "classification" of the rhythm occurs at step 105 (Col. 6, lines 6-11). The rejection is unsupportable and must be withdrawn.

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The claims are in condition for allowance and notice of the same is respectfully requested. Should any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

Date: _____

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